BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
June 16, 2009

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:04 P. M., Tuesday, June 16, 2009, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz, Chairman; Paul V. Milde, III; Robert "Bob" Woodson; M. S. "Joe" Brito; Harry E. Crisp, Vice Chairman; and Mark Dudenhefer. Cord A. Sterling arrived at 2:52 P.M.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Work Session on PPTA Guidelines Presentation</u>. Mr. Fulton deLamorton, Transportation Administrator, gave a presentation and responded to Board members questions.

<u>Legislative</u>; Work Session on Presentation on All Hazards Emergency Operations Plan. Mr. Rob Brown, Fire Chief, gave a presentation and responded to Board members questions.

Legislative; Work Session on Referring to the Planning Commission an Amendment to the Zoning and Subdivision Ordinances Regarding the Reservoir Protection Overlay Districts. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Harry Critzer, Director of Utilities, commented.

Discussion ensued.

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-250.

The Voting Board tally was:

Yea: (4) Woodson, Brito, Dudenhefer, Schwartz

Nay: (1) Milde

Abstain: (1) Brito

Absent: (1) Sterling

Resolution R09-250 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT OF THE ZONING AND SUBDIVISION ORDINANCES TO THE PLANNING COMMISSION REGARDING THE RESERVOIR PROTECTION OVERLAY DISTRICT

WHEREAS, in an effort to protect drinking water supply reservoirs, the Comprehensive Plan recommends the establishment of a Reservoir Protection Overlay District (RPOD); and

WHEREAS, the Planning Commission formed a subcommittee to establish regulations for a RPOD; and

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WHEREAS, the land immediately surrounding and in the upstream watershed of

Abel Lake, Smith Lake and Rocky Pen Run Lake shall be placed in the RPOD; and

WHEREAS, public necessity, convenience, general welfare and good zoning and

subdivision practices require the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 16th day of June, 2009, that the amendments to the Zoning and

Subdivision Ordinances pursuant to proposed Ordinance O09-39 be and they hereby are

referred to the Planning Commission for its consideration.

Legislative; Work Session on Terminal Reservoir Ordinance. Mr. Harry Critzer, Director

of Utilities, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O09-14.

The Voting Board tally was:

Z ,

(4) Woodson, Brito, Dudenhefer, Schwartz

Nay:

Yea:

(1) Milde

Abstain:

(1) Brito

Absent:

(1) Sterling

<u>Legislative</u>; Closed Meeting. At 2:08 P.M., Mr. Woodson motioned, seconded by Mr.

Crisp, to adopt proposed Resolution CM09-12.

The Voting Board tally was:

Yea:

(6) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz,

Nay:

(0)(1)

Absent:

Sterling

Resolution CM09-12 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting Legal Advice regarding a Possible Bid Protest regarding the Aquia Wastewater Facility Upgrades; Discussion regarding a Real Property Acquisition for Public Purpose regarding Fire Station No. 14; and one Personnel Matter regarding the County Attorney's Annual Evaluation; and

WHEREAS, pursuant to Section 2.2-3711 A.7, A.3 and A.1, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 16th day of June, 2009, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 2:47 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM09-12a.

The Voting Board tally was:

Yea: (6) Brito, Crisp, Dudenhefer, Milde, Schwartz, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution CM09-12a reads as follows:

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A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

JUNE 19, 2009

WHEREAS, the Board has, on this the 16th day of June, 2009, adjourned into a

closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July

1, 1989, provides for certification that such Closed Meeting was conducted in conformity

with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 16th day of June, 2009, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open

meeting requirements under the Virginia Freedom of Information Act were discussed in

the Closed Meeting to which this certification applies; and (2) only such public business

matters as were identified in the Motion by which the said Closed Meeting was convened

were heard, discussed, or considered by the Board. No member dissents from the

aforesaid certification.

Legislative; Authorize the County Attorney to Carryover Excess Annual Leave. Mr.

Milde motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R09-265.

The Voting Board tally was:

Yea:

(6) Milde, Dudenhefer, Brito, Crisp, Schwartz, Woodson

Nay:

(0)

Absent:

(1) Sterling

Resolution R09-265 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ATTORNEY TO CARRY OVER EXCESS ANNUAL LEAVE DAYS UNTIL 2010

WHEREAS, County Attorney Joseph L. Howard, Jr., has completed his fourth full year of service with Stafford County as of April 25, 2009; and

WHEREAS, it is appropriate to review the performance and compensation of the County Attorney on an annual basis in accordance with the understandings when he was hired; and

WHEREAS, the County Attorney has submitted his 2008-2009 Annual Report to the Board; and

WHEREAS, the Board has had the opportunity to discuss the performance of the County Attorney's Office with the County Attorney; and

WHEREAS, the County Attorney has requested that he be allowed to carry forward his excess annual leave days until September 30, 2010; and

WHEREAS, the Board desires to approve the County Attorney's request;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 16th day of June, 2009, that it does hereby authorize the County Attorney to carry forward unused annual leave days in excess of the specified amount under the County Personnel Policy until September 30, 2010; and

BE IT FURTHER RESOLVED that the County Administrator is requested to implement the intent of this Resolution on behalf of the County Attorney.

<u>Legislative</u>; <u>Additions to the Regular Agenda.</u> Mr. Dudenhefer motioned, seconded by Mr. Crisp, to add Item 29 – Discuss Colors of Fire and Rescue Apparatus; and Item 30 – Discuss Commuter Parking to the Regular Agenda.

The Voting Board tally was:

Yea: (6) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Absent: (1) Sterling

<u>Legislative</u>; <u>Consent Agenda</u>. Mr. Crisp motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda consisting of Items 8 thru 23, omitting Items 15, 17, and 22.

The Voting Board tally was:

Yea: (6) Brito, Crisp, Dudenhefer, Milde, Schwartz, Woodson

Nay: (0)

Absent: (1) Sterling

<u>Item 8. Legislative; Approve Minutes of Board Meeting.</u> Regular Meetings of May 5, 2009, and May 19, 2009.

Item 9. Finance and Budget; Approve Expenditure Listing and Waive Board Approval of July and August Expenditure Listings.

Resolution R09-259 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED JUNE 2, 2009 THROUGH JUNE 15, 2009

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June 2009, that the above-mentioned EL be and it hereby is approved.

Resolution R09-262 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO WAIVE BOARD APPROVAL OF JULY AND AUGUST 2009
EXPENDITURES IN EXCESS OF \$100,000

WHEREAS, operating policy states that accounts payable invoices in excess of \$100,000 are released only upon Board approval; and

WHEREAS, the Board has scheduled only one meeting each month during July and August 2009; and

WHEREAS, the Board meeting schedule would cause some vendor checks to be held for several weeks; and

WHEREAS, the Board will be provided with the expenditure listings for ratification at its August 18th meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2009 that the County Administrator be and he hereby is authorized to waive Board approval of expenditures in excess of \$100,000 for the months of July and August, 2009.

Item 10. Utilities; Award Contract for Construction of Phase 2 Enhanced Nutrient Removal Upgrades at Aquia Wastewater Treatment Facility.

Resolution R09-244 reads as follows:

A RESOLUTION TO AWARD CONTRACT FOR CONSTRUCTION OF ENHANCED NUTRIENT REMOVAL UPGRADES, PHASE 2, AT AQUIA WASTEWATER TREATMENT FACILITY

WHEREAS, the Board has appropriated funds in the Utilities Department's FY 2009 Capital Improvements Projects (CIP) budget to be expended for Aquia Wastewater Enhanced Nutrient Removal Upgrade project; and

WHEREAS, equipment required to be purchased to facilitate installation was previously offered for competitive bids; and

WHEREAS, the construction services required to integrate the new equipment, along with facility upgrades, were offered for competitive bid, with nine responding bids and the lowest responsive and responsible bid being from T.A. Loving Company;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June 2009, that the County Administrator be and he hereby is authorized to execute a contract with T.A. Loving Company, for construction of enhanced nutrient removal upgrades at Aquia Wastewater Treatment Facility at a cost not to exceed Sixteen Million Seven Hundred Thirty-five Thousand Dollars (\$16,735,000).

<u>Item 11. Utilities; Award Contract for Phase 2 Engineering and Inspection Services for the Aquia Wastewater Treatment Facility Upgrade Project.</u>

Resolution R09-245 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR ENGINEERING AND INSPECTION
SERVICES FOR THE AQUIA WASTEWATER TREATMENT FACILITY
NUTRIENT REMOVAL UPGRADES PROJECT, PHASE 2

WHEREAS, the Board has authorized the Phase 2 Nutrient Removal Upgrades Project at the Aquia Wastewater Treatment Facility; and

WHEREAS, engineering and inspection services will be required as part of that project to ensure compliance with approved plans and specifications; and

WHEREAS, Parsons Water and Infrastructure is currently one of the County's approved Capital Improvements Program engineering firms and has submitted a proposal to provide these engineering and inspection services; and

WHEREAS, staff has determined that the Parsons proposal is reasonable and encompasses the scope of services desired by the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June 2009, that the County Administrator be and he hereby is authorized to execute a contract with Parsons Water and Infrastructure to provide engineering and inspection services for the Phase 2 of the Enhanced Nutrient Removal Upgrade Project at the Aquia Wastewater Treatment Facility in an amount not to exceed One Million Eight Hundred Eighty-nine Thousand Eight Hundred Two Dollars (\$1,889,802).

<u>Item 12.</u> Fire and Rescue; Acceptance of the All Hazards Emergency Operations Plan.

Resolution R09-229 reads as follows:

A RESOLUTION TO AUTHORIZE IMPLEMENTATION OF THE ALL HAZARDS EMERGENCY OPERATIONS PLAN

WHEREAS, state and local governments are required by law to develop and maintain an All Hazards Emergency Operations Plan in order to be prepared for disaster situations; and

WHEREAS, the current edition of the County's All Hazards Emergency Operations Plan, dated 2001, does not comply with the present standards of the National Incident Management System (NIMS); and

WHEREAS, the restructured All Hazards Emergency Operations Plan identifies a range of emergencies that could occur in or around the County and provides guidance to the County's departments, agencies, and response organizations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2009, that the Board be and it hereby does implement the 2009 All Hazards Emergency Operations Plan.

<u>Item 13. Human Resources; Revise Certain Personnel Policies.</u>

Resolution R09-207 reads as follows:

A RESOLUTION TO REVISE CERTAIN PERSONNEL POLICIES

WHEREAS, the Personnel Policy Manual was reviewed and revised on September 16, 2008; and

WHEREAS, the Personnel Policy Manual requires updates to meet all County, state and federal policies; and

WHEREAS, the proposed updates have been reviewed by the County Attorney's Office;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of May, 2009, that the Board be and hereby does adopt the five policy revisions in the Grievance Procedure Leave, Sick Leave Bank, Family Medical Leave Act (FMLA) and Retiree Health Care of the Personnel Policy Manual.

Item 14. Planning and Zoning; Refer to the Planning Commission an Amendment to the Subdivision Ordinance Regarding the Number of PAEs in a Minor Subdivision.

Resolution R09-249 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE SUBDIVISION ORDINANCE TO THE PLANNING COMMISSION REGARDING NUMBER OF PAES IN A MINOR SUBDIVISION

WHEREAS, a Private Access Easement (PAE) may only serve two (2) lots, including the lot it travels through; and

WHEREAS, there are no restrictions from preventing a Minor Subdivision from having two (2) Private Access Easements adjoining each other; and

WHEREAS, the Board believes that PAEs should be used in a manner to not circumvent the Subdivision Ordinance; and

WHEREAS, public necessity, convenience, general welfare and good subdivision practices require the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2009, that the amendment to the Zoning

Ordinance by proposed Ordinance O09-38 be and it hereby is referred to the Planning Commission for its consideration.

Item 16. Parks, Recreation and Community Facilities; Authorize a Contract for Refuse and Recycling Services at Count Facilities.

Resolution R09-239 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR REFUSE AND RECYCLING
SERVICES AT COUNTY FACILITIES

WHEREAS, the Department of Parks, Recreation and Community Facilities desires the services of outside contractors to provide refuse and recycling services at the County Administration Building, Rowser Complex, Fire and Rescue, and Utilities Sites; and

WHEREAS, the County is participating in a cooperative purchasing agreement with the Metropolitan Washington Council of Governments; and

WHEREAS, Prince William County, Virginia has a Refuse and Recycling Service Contract with a Rider Clause extending services to Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2009, that the Board be and it hereby does authorize execution of a contract which shall expire on June 30, 2010, with Waste Management, Stafford, Virginia in an amount not to exceed One Hundred Thousand Seven Hundred Eighty-eight Dollars (\$100,788).

Item 18. Parks, Recreation and Community Facilities; Execute an Agreement to Operate the Youth Soccer Program.

Resolution R09-257 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT TO OPERATE THE YOUTH SOCCER
PROGRAM

WHEREAS, the Stafford Area Soccer Association is currently operating the youth soccer program in the County; and

WHEREAS, the Stafford Area Soccer Association has operated the program successfully; and

WHEREAS, the Board has determined that it would be in the best interest of the citizens to permit the Stafford Area Soccer Association to continue to conduct the youth soccer program; and

WHEREAS, at a meeting on May 21, 2009, the Parks and Recreation Advisory Commission endorsed adoption of a new agreement with the Classic and Recreational Divisions of the Stafford Area Soccer Association;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th of June 2009, that the County Administrator be and he hereby is authorized to execute an Agreement with the Stafford Area Soccer Association to operate the youth soccer program.

Item 19. Finance and Budget; Amend the County Insurance Contract for Liability,

Property, and Workers Compensation, Volunteer Fire and Rescue and Sheriff Special

Deputies Insurance Coverage FY2010.

Resolution R09-263 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE CONTRACT AMENDMENTS FOR LIABILITY, PROPERTY,
WORKERS' COMPENSATION, VOLUNTEER FIRE & RESCUE AND THE
SHERIFF'S SPECIAL DEPUTIES INSURANCE COVERAGE FOR FY2010

WHEREAS, the County has reviewed its insurance coverage and related costs; and

WHEREAS, the Board has budgeted and appropriated funds for the County insurance needs for fiscal year 2010; and

WHEREAS, VACo Risk Management Programs has submitted a policy renewal proposal to the County for liability, property and workers' compensation insurance; and

WHEREAS, Volunteer Fire Insurance Services Company (VFIS) and Provident Insurance Company through Welch, Graham and Ogden Insurance Inc. have submitted policy renewal proposals to the County for liability, property, automobile, accident and sickness for the Volunteer Fire and Rescue personnel and the Sheriff's Special Deputies;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2009, that the County Administrator be and he hereby is authorized to:

- 1. Execute a contract amendment to VACo Risk Management Programs for liability, property and workers' compensation insurance for FY10.
- 2. Execute a contract amendment to Volunteer Fire Insurance Services (VFIS) for the Volunteer Fire and Rescue and Sheriff's Special Deputies for liability, property, and automobile insurance for FY10.

4. Execute a contract amendment to Provident Insurance Company for Volunteer Fire and Rescue and Special Deputies for accident and sickness insurance coverage for FY10.

Item 20. Public Works; Authorize a Public Hearing to Consider Restricting Through
Traffic on Parkway Boulevard (SR-1264); Flatford Road (SR-709); Hampton Park Road
(SR-751); Northampton Boulevard (SR-1482); Eustace Road (SR-751); and Embrey Mill
Road (SR-733)

Resolution R09-254 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER RESTRICTING THROUGH TRUCK TRAFFIC ON PARKWAY BOULEVARD (SR-1264); FLATFORD ROAD (SR-709); HAMPTON PARK ROAD (SR-751); NORTHAMPTON BOULEVARD (SR-1482); EUSTACE ROAD (SR-751); AND EMBREY MILL (SR-733)

WHEREAS, the Board is interested in promoting public health, safety, and welfare, including the prevention of accidents and injuries caused by large truck traffic in residential areas; and

WHEREAS, Parkway Boulevard (SR-1264), Flatford Road (SR-709), Hampton Park Road (SR-751), Northampton Boulevard (SR-1482), Eustace Road (SR-751), and Embrey Mill Road (SR-733) are located in Stafford County; and

WHEREAS, large trucks travel between Garrisonville Road (SR-610) and Courthouse Road (SR-630), using Parkway Boulevard (SR-1264), Flatford Road (SR-709), Hampton Park Road (SR-751), Northampton Boulevard (SR-1482), Eustace Road (SR-751), and Embrey Mill Road (SR-733), which are residential streets; and

WHEREAS, large truck traffic using these streets creates a safety concern for the residents of these dense residential areas; and

WHEREAS, the County is required to conduct and transcribe a public hearing for the proposed restrictions to restrict through truck traffic on certain road segments, in accordance with Section 46.2-809 of the Code of Virginia (1950), as amended; and

WHEREAS, the County commits to enforcing this proposed restriction;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June 2009, that the County Administrator be and he hereby is authorized to advertise a public hearing for July 7, 2009, to consider restricting through truck traffic on Parkway Boulevard (SR-1264), Flatford Road (SR-709), Hampton Park Road (SR-751), Northampton Boulevard (SR-1482), Eustace Road (SR-751), and Embrey Mill Road (SR-733).

<u>Item 21. Public Works; Petition Virginia Department of Transportation to Make Changes</u> to the Secondary System of State Highways within Celebrate Virginia, Part I.

Resolution R09-243 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO MAKE CHANGES TO THE SECONDARY SYSTEM OF STATE HIGHWAYS WITHIN CELEBRATE VIRGINIA NORTH, PART I

WHEREAS, the Board, pursuant to Sections 33.1-155 and 33.1-229 of the Code of Virginia (1950), as amended, desires to make changes to the Secondary System of State Highways within Celebrate Virginia North, Part I; and

WHEREAS, the changes are the abandonment and addition of certain sections of Greenbank Road (SR-654), McWhirt Loop (SR-700), Banks Ford Parkway (SR-654) and Celebrate Virginia Parkway (SR-1968); and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected the streets to be added and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June 2009, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned make the changes to the Secondary System of State Highways within Celebrate Virginia North, Part I.

Project/Subdivision <u>Celebrate Virginia North, Part 1</u>

Type Change to the Secondary System of State Highways: Abandonment

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: **Developer Project**

Pursuant to Code of Virginia Statute: §33.1-155

Street Name and/or Route Number

► Greenbank Rd, State Route Number 654

• From: 0.49 mi. S Warrenton Road (US Rte 17)

To: 0.34 mi. S Warrenton Road (US Rte 17), a distance of: 0.15 miles.

► McWhirt Loop, State Route Number 700

• From: Int Warrenton Road (US Rte 17)

To: 0.16 mi. SE Warrenton Road (US Rte 17), a distance of: 0.16 miles.

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the

statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: Developer relocated VDOT roadway

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

► Greenbank Rd, State Route Number 654

• From: 0.49 mi. S US Rte 17

To: 0.41 mi. S US Rte 17, a distance of: 0.10 miles.

Recordation Reference: Instr. # 06001395

Right of Way width (feet) = 40-150 ft.

► Banks Ford Pkwy, State Route Number 654

• From: 0.41 mi. S US Rte 17

To: 0.34 mi. S US Rte 17, a distance of: 0.07 miles.

Recordation Reference: Instr. # 06001395

Right of Way width (feet) = 59-200 ft.

► Mcwhirt Loop, State Route Number 700

• From: Int (proposed) SR 1969, 0.07 mi. SW US Rte 17

To: 0.16 mi. SE US Rte 17, a distance of: 0.13 miles.

Recordation Reference: Instr. # 090004348

Right of Way width (feet) = 76-163 ft

Reason for Change: Rural Addition (CTB Policy - No Cost)

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

► Banks Ford Pkwy, State Route Number 1969

• From: Int SR 654, 0.41 mi. S US Rte 17

To: 0.10 mi. E Int SR 654, a distance of: 0.10 miles.

Recordation Reference: Instr. # 06001395

Right of Way width (feet) = 94-125 ft.

► Celebrate Virginia Pkwy, State Route Number 1968

• From: Int (proposed) SR 1969, 0.39 mi. SW US Rte 17

To: 0.26 mi. SW US Rte 17, a distance of: 0.13 miles.

Recordation Reference: Instr. # 070000671, PM070000005

Right of Way width (feet) = 124-150 ft

► Celebrate Virginia Pkwy, State Route Number 1968

• From: 0.26 mi. SW US Rte 17

To: 0.07 mi. SW US Rte 17, a distance of: 0.19 miles.

Recordation Reference: Instr. # 070000671, PM070000005

Right of Way width (feet) = 109-194 ft

► Celebrate Virginia Pkwy, State Route Number 1968

• From: 0.07 mi. SW US Rte 17

To: Int US Rte 17, a distance of: 0.07 miles.

Right of Way width (feet) = 109 ft.

Recordation Reference: Instr. # 070000671, PM07000000

An unrestricted right-of-way (ROW) for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by the recordation reference in the table above; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

Item 23. Legislative; Approve a Proclamation to Recognize and Commend Marsha Y. Beard and Eleanor E. Hinzman for their Service to the Citizens of Stafford County.

Proclamation P09-11 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND MARSHA Y. BEARD

WHEREAS, Marsha Y. Beard began her career with Stafford County as a Clerical Assistant in January 1985, was promoted to Secretary to the Assistant County Administrator and eventually became Chief Deputy Clerk to the Board in April 1990; and

WHEREAS, during her tenure with the County, Marsha Y. Beard, known to all as "Marty", reviewed countless Ordinances, Resolutions, and Proclamations for adoption by the Board of Supervisors; and

WHEREAS, Marty has served 28 Board of Supervisors members, three County Administrators, and worked with several Constitutional Officers; and

WHEREAS, Marty's expertise and long-term service with the County made her the de facto "Office Historian," and her experience provided invaluable official and procedural assistance to the County Administrator, Department Directors, Constitutional Officers and staff; and

WHEREAS, Marty led the adoption of new technology and software in the County Administrator's office, working with the Information Technology Department to place more information online, offer DVDs of Board meetings, and adopt a streamlined process to scan and publish Board packages, agendas and meeting minutes on the County Web site; and

WHEREAS, during her years in government service, Marty trained new secretaries, clerks, and other administrative personnel about the Board package process, familiarized them with the functions of County government, and was always available to provide significant information that impacted issues on which Board members and staff were working; and

WHEREAS, Marty is known throughout County government for her cheerful demeanor, positive attitude and willingness to assist co-workers and the public; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the dedication and passion with which Marty performed her duties, and to wish her well in her retirement;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of June, 2009, that Marsha Y. Beard be and she hereby is recognized and commended for her service to County Government and the citizens of Stafford.

Proclamation P09-12 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND ELEANOR E. HINZMAN

WHEREAS, Eleanor E. Hinzman began her career with Stafford County as a Clerical Assistant in January 1989, was promoted to Secretary in the Office of the County Administrator and eventually became Deputy Clerk to the Board in April 1990; and

WHEREAS, during her tenure with the County, Eleanor E. Hinzman reviewed countless Ordinances, Resolutions, and Proclamations for adoption by the Board of Supervisors; and

WHEREAS, Eleanor has served 27 Board of Supervisors members, three County Administrators, and worked with several Constitutional Officers; and

WHEREAS, in addition to other important administrative tasks, Eleanor maintained a critical database for all boards, authorities, commissions and committees, ensuring that new members were appointed by appropriate resolution, updating names and other pertinent information online, and forwarding forms and paperwork to newly-appointed citizens; and

WHEREAS, Eleanor worked seamlessly with staff to ensure the timely and accurate production of Board packages, and sending e-mail reminders and making calls about new packages that had to be drafted based on decisions made at previous Board meetings; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the commitment with which Eleanor performed her duties, and to wish her well in her retirement;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of June, 2009, Eleanor E. Hinzman be and she hereby is recognized and commended for her service to County Government and the citizens of Stafford.

<u>Finance and Budget; Budget and Appropriate Interest in the Parks and Recreation Bond</u>
<u>Fund and Transfer to the General Fund.</u> Mr. Brito commented.

Ms. Maria Perrotte, Chief Financial Officer, commented further.

Discussion ensued.

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Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-260 and use interest earned on Parks and Recreation Bond funds to pay debt service for this year which would be approximately \$918,000 and that the balance of the money which is \$82,000 come out of the Public Safety fund.

Discussion further ensued.

Mr. Sterling made a friendly amendment to take proposed Resolution R09-260 as drafted as presented and put in another resolve that those funds not necessary to make the 10% fund balance be reserved for future action for Parks and Recreation.

Mr. Brito accepted the friendly amendment; Mr. Dudenhefer accepted the friendly amendment.

Voting Board tally was:

Yea: (7) Sterling, Milde, Dudenhefer, Schwartz, Woodson, Brito, Crisp

Nay: (0)

Resolution R09-260 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE EARNED FUNDS INTEREST IN THE PARKS AND RECREATION BOND FUND AND TRANSFER TO THE GENERAL FUND AND TO RESERVE ANY AMOUNT NOT NEEDED TO MEET THE TEN PERCENT UNDESIGNATED FUND BALANCE GOAL FOR FUTURE CAPITAL PROJECTS

WHEREAS, interest has accumulated in the Parks and Recreation Bond fund which can be used to pay debt service on the bonds issued for parks projects; and

WHEREAS, there are numerous Parks & Recreation properties throughout the County in need of repair or rehabilitation; and

WHEREAS, FY 2009 revenues continue to decline in this challenging economic climate; and

WHEREAS, the payment of debt service on the issue is an appropriate use of the funds; and

WHEREAS, the Board wishes to use all appropriate funding sources in order to restore fund balance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2009, that the Board be and it hereby does budget and appropriate interest earned funds in the amount of One Million One Hundred Ninety-three Four Hundred Ninety-seven Dollars (\$1,193,497) in the Parks and Recreation Bond Fund; and

BE IT FURTHER RESOLVED that \$1,193,497 be and it hereby is to be transferred from the Parks and Recreation Bond Fund to the General Fund; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is directed to apply only that amount necessary to meet the fund balance goal and to reserve any balance for future Parks and Recreation capital projects.

<u>Parks, Recreation and Community Facilities; Authorize a Contract for Security Services at County Facilities.</u> Mr. Milde commented.

The County Administrator commented further.

Mr. Milde motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R09-240.

The Voting Board tally was:

Yea: (7) Milde, Dudenhefer, Schwartz, Woodson, Sterling, Brito, Crisp

Nay: (0)

Resolution R09-240 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO EXECUTE A CONTRACT FOR SECURITY SERVICES AT

COUNTY FACILITIES

WHEREAS, the Department of Parks, Recreation and Community Facilities

desires the services of outside contractors to provide security services at the County

Administration Building and the Rowser Complex; and

WHEREAS, the County is participating in a cooperative procurement agreement

with Fairfax County through the Metropolitan Washington Council of Governments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 16th day of June, 2009, that the Board be and it hereby does

authorize execution of a contract which shall expire on June 30, 2010, with Securitas

Security Service, USA in an amount not to exceed One Hundred Forty-three Thousand

Nine Hundred Seventy-one Dollars (\$143,971).

Public Works; Request Virginia Department of Transportation Provide Information for

the Consideration of Improving and Accepting Raven Road. Mr. Woodson commented.

Mr. Fulton deLamorton, Transportation Administrator, commented further.

Discussion ensued.

Mr. Woodson motioned, seconded by Mr. Schwartz to deny proposed Resolution R09-251.

Discussion further ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-251.

The Voting Board tally on the substitute motion was:

Yea: (3) Milde, Dudenhefer, Sterling,

Nay: (4) Schwartz, Woodson, Brito, Crisp

The Voting Board tally on the original motion was:

Yea: (4) Schwartz, Woodson, Brito, Crisp

Nay: (3) Dudenhefer, Sterling, Milde

<u>Utilities; Mt. Hope Baptist Church Pump and Haul.</u> Mr. Milde commented.

Mr. Harry Critzer, Director of Utilities commented further.

Discussion ensued.

<u>Utilities</u>; <u>Authorize a Public Hearing to Amend Section 25-11 of the County Code</u>

<u>General Provisions Regarding Water Hookups Outside of the Urban Services Area.</u> Mr. Harry Critzer, Director of Utilities, gave a presentation.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R09-258.

The Voting Board tally was:

Yea: (6) Sterling, Dudenhefer, Milde, Schwartz, Brito, Crisp

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Nay: (1) Woodson

<u>Legislative</u>; <u>Discuss Colors of Fire and Rescue Apparatus</u>. Mr. Milde commented.

Discussion ensued.

Hearing no objections from the Board, this item will be discussed later in the evening

session.

Legislative; Discuss Federal Stimulus Funds for Transit Agencies (Section 5307). Mr.

Dudenhefer commented.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, for the Board to request the FRED

system to come to a Board meeting and explain what they plan on doing with that money

and why they have ignored or plan to ignore over the request of the Board that the money

be used for the purpose of support of the people that earned that money and until we get a

resolve on this that we hold any payments to the FRED system while we negotiate and

work with the City on trying to resolve this issue.

The Voting Board tally was:

Yea:

Dudenhefer, Sterling, Brito, Crisp, Milde, Schwartz, Woodson (7)

Nay: (0)

Legislative; Discuss Membership in High Growth Coalition. The County Administrator

commented.

Discussion ensued.

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Mr. Dudenhefer motioned, seconded by Mr. Sterling, to not participate in the High

Growth Coalition and the approximately \$3000 in membership cost to be transferred to

the Parks and Recreation maintenance fund.

The Voting Board tally was:

Yea:

(6) Milde, Schwartz, Woodson, Dudenhefer, Sterling, Brito,

Nay: (1)

Legislative; Discuss Membership in Virginia Municipal League. The County

Administrator commented.

Discussion ensued.

Legislative; Discuss Commuter Parking. Mr. Dudenhefer commented.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Milde, that if the School Board will enter

into good faith discussions to sell that piece of property to be used for the commuter

parking, that any revenue associated with the sale can go into the schools capital

improvement fund and can be used for whatever means the School Board fees necessary.

Discussion ensued.

The Voting Board tally was:

Yea:

Brito, Crisp, Milde, Schwartz, Woodson, Dudenhefer, Sterling, (7)

Nay: (0)

Recess. At 4:12 P.M, the Chairman declared a recess until 7:00 P.M.

Call to Order. At 7:04 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

Lorraine Gardner - SPCA issues.

Donna Dawkins - SPCA issues.

Jerry Wilhelm - Colors of Fire and Rescue apparatus.

<u>Planning and Zoning; Consider a Conditional Use Permit to Allow a Cold Weather</u>

<u>Homeless Shelter on Assessor's Parcel 58-36 at 750 Kings Highway.</u> Mr. Jeff Harvey,

Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Charlie Payne, on behalf of the Applicant

Dean Siniff

David Humphrey

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Resolution R09-234.

The Voting Board tally was:

Yea: (7) Sterling, Dudenhefer, Milde, Schwartz, Woodson, Brito, Crisp

Nay: (0)

Resolution R09-234 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2900122 TO ALLOW A COLD WEATHER HOMELESS SHELTER AS A USE NOT LISTED WITHIN AN A-1, AGRICULTURAL, ZONING DISTRICT, ON

ASSESSOR'S PARCEL 58-36, GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Micah Ecumenical Ministries, applicant, has submitted application CUP2900122 requesting a Conditional Use Permit to allow a use not listed within an A-1, Agricultural, Zoning District, specifically a cold weather homeless shelter, on Assessor's Parcel 58-36; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-37 of the Zoning Ordinance which states if a use is not specifically permitted anywhere in Table 3.1, an application may be made for such use as a conditional use pursuant to Section 28-185 which would permit this use in an A-1, Agricultural, Zoning District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of June, 2009, that a Conditional Use Permit pursuant to application CUP2900122 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow a cold weather homeless shelter on Assessor's Parcel 58-36. The facility will be limited to an overnight shelter. The facility shall be limited to the existing 3,156 square foot structure located at the front of the site, as shown on the Generalized Development Plan (GDP), prepared by Welford Engineering Associates, dated April 16, 2009.

- 2. The shelter will be limited to operation from November 1 to April 15 of each year. The hours of operation shall be limited to 7:00 P.M. to 8:00 A.M. daily.
- 3. The maximum capacity shall be 50 persons on any given night, excluding staff members or volunteers.
- 4. The applicant shall ensure that a staff member be on the premises during the operational hours. A minimum of one trained security personnel shall be on the premises from the hours of 7:00 P. M. to 10:30 P. M., and from 6:00 A. M. to 8:00 A. M.
- 5. The applicant shall provide transportation to and from the site from the Micah Hospitality Center in the City of Fredericksburg, or other designated location. The applicant shall submit a transportation proposal regarding designated pick-up/drop-off locations to the Zoning Administrator prior to issuance of an occupancy permit, and notify the Zoning Administrator in writing in the event that designated pick-up/drop-off locations change. No individual utilizing the facility shall be permitted to enter the site unaccompanied by a staff member or other authorized personnel such as law enforcement personnel.
- 6. All individuals utilizing the facility shall remain indoors for the duration of their stay, with the exception of permitted outdoor activities, such as smoking breaks.

 Any outdoor activity shall be limited to designated areas and monitored by staff.
- 7. The applicant shall work with the Stafford County Sheriff's Office to conduct a safety review of the site and establish Crime Prevention Through Environmental Design (CPTED) safety features to include lighting and signage. A written plan shall be submitted to the Zoning Administrator. Upon concurrence of the Zoning Administrator, the requirements of the plan shall be implemented by the applicant prior to issuance of an occupancy permit.

- 8. The applicant shall prepare written guidelines for staff and volunteer training which will be required for each individual working at the facility. The guidelines shall include instruction on when to contact the Stafford County Sheriff's Office, including emergency and non-emergency calls. The guidelines will also include the training that is required by Micah Ecumenical Ministries for the operation of a homeless shelter. The written guidelines shall be approved by the Stafford County Sheriff's Office and submitted to the Zoning Administrator prior to the issuance of an occupancy permit.
- 9. No alcohol or illegal drugs shall be permitted on site. Signs shall be posted on the property in accordance with CPTED policies approved by the Stafford County Sheriff's Office, pursuant to Condition # 7 above.
- 10. The existing buffer along the southeastern property line, as shown on the GDP, shall be retained.
- 11. Written authorization shall be obtained from the Office of Environmental Health, Virginia Health Department, regarding the maximum capacity of the septic systems relative to the maximum number of occupants prior to issuance of an occupancy permit. If the current septic system capacity does not support the proposed number of occupants, the applicant will be required to reduce the occupancy based on the capacity, or improve the system to support the total number of proposed occupants.
- 12. The applicant shall be required to obtain an occupancy permit from the Department of Code Administration. The applicant shall meet the standards for building safety codes prior to the issuance of an occupancy permit.
- 13. This Conditional Use Permit may be revoked or conditions amended by the Board of Supervisors for violation of these conditions or any applicable county, federal or state code.

<u>Planning and Zoning; Amend Condition #3 of Adopted Resolution R08-156(R) for an Asphalt Plant on Assessor's Parcel 19-67T at 75 Vulcan Quarry Road.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons desired to speak:

Clark Leming, on behalf of the Applicant

Ron Burkman

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-195.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Milde, Schwartz, Sterling, Dudenhefer

Nay: (0)

Resolution R09-195 reads as follows:

A RESOLUTION TO APPROVE APPLICATION SUP88-06 WHICH
REQUESTS A SPECIAL USE PERMIT FOR AMEND A CONDITIONAL USE
PERMIT PURSUANT TO APPLICATION CUP2900091, TO ALLOW AN
ASPHALT PLANT IN AN M-2, HEAVY INDUSTRIAL ZONING DISTRICT
ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCELS 19-64 (PORTION),
67 (PORTION) AND 67S (PORTION) 19-67T, ROCK HILL ELECTION
DISTRICT

WHEREAS, Lanmor Corporation Leming and Healy P.C., applicant, on behalf of Virginia Paving Company has submitted application SUP88 06 CUP2900091 requesting

a special Conditional <u>uUse pPermit</u> for an asphalt plant in an M-2, Heavy Industrial Zoning District on property identified as Assessor's Parcels 19-64 (portion), 67 (portion) and 67S (portion) consisting of approximately 15.31 acres, located north of Garrisonville Road (State Route 610) approximately 0.5 mile west of Shelton Shop Road (State Route 648), Rock Hill Election District the above-described property; and

WHEREAS, the application has been submitted pursuant to Section 28-101 of the Stafford County Code Table 3.1 of the Zoning Ordinance which permits this use heavy industrial and heavy manufacturing uses not otherwise listed in the M-2, Heavy Industrial Zoning District only after a special Conditional uUse pPermit has been issued by the Board of Supervisors; and

WHEREAS, the Board of Supervisors has carefully considered the recommendation of the Planning Commission, staff and the testimony at the public hearing; and

WHEREAS, the Board of Supervisors finds that the request meets the standards of the Zoning Ordinance for the issuance of a special Conditional uUse pPermit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th 16th day of May June, 1988, 2009 that application SUP88-06 CUP29000291 be and it hereby is approved with the following conditions:

Conditions:

1. This special Conditional uUse pPermit is for a bituminous concrete (asphalt) plant, which is a heavy industrial and heavy manufacturing use not otherwise listed for the M-2, Heavy Industrial Zoning District, on the above described property, to include a mixing plant, storage of necessary materials for manufacturing the asphalt, storage and maintenance of equipment and vehicles used to transport raw materials and finished products, and related office space.

- 2. The operation shall comply with all regulations of federal, state and local agencies concerning such operation and reports to, or inspections by those various federal, state and local agencies shall be maintained on file and made available to authorized representatives of the County upon request.
- 3. The hours of operation of the facility, including operation of the asphalt mixing plant and shipping of materials, shall be limited to Monday through Friday between the hours of 6:00 A.M. and 7:00 P.M., and on Saturday between the hours of 7:00 A.M. and 1:00 P.M. The County Administrator may waive this provision in the event of an emergency. There shall be no operations on Sundays or the following legal holidays:

January 1 (New Year's Day)

Memorial Day

July 4 (Independence Day)

Labor Day

Thanksgiving Day

December 25 (Christmas Day)

Should any one of the above holidays fall on a Sunday, the following Monday shall be considered a legal holiday.

Furthermore, upon two (2) weeks prior written notice by the plant owner, the Zoning Administrator may authorize extended hours of operation on Monday through Friday for up to 45 nights per calendar year, shall be permitted to meet

provisions for paving state roads. The Zoning Administrator may allow extended hours for a consecutive period, not to exceed 14 nights (excluding weekends). Commencing from the approval of this CUP, the owner of the subject parcel may operate as an asphalt plant during night time hours, Sunday beginning at 7:00 P.M. through Saturday ending at 1:00 P.M., up to 120 calendar days per calendar year. In all instances the property owner will operate within the Stafford County Ordinances as well as all applicable State and County codes. Additionally, the property owner will submit a quarterly report to the Zoning Administrator providing information that shows the calendar days the asphalt plant operated during night time hours.

- 4. No structures or storage of materials shall be located within 75 feet of the western or southern boundaries of the site. Travelways, fences, drainage facilities, and screening may be located within this 75-foot area, subject to the conditions below.
- 5. On-site roads, travelways and parking areas shall be paved.
- 6. The asphalt plant shall not create a separate entrance onto Garrisonville Road (State Road 610), but rather share an entrance with the Vulcan Materials quarry or its successor. Proof of an access easement or other sufficient agreement between the parties must be presented to the County prior to approval of the site plan. The single entrance may be widened to utilize the two adjacent 60-foot rights-of-way.
- 7. Operation of the plant shall meet all standards of the Virginia State Air Pollution Control Board regarding the emission of smoke, odors, toxic matter, sulfur, dust and particulate matter.
- 8. No vehicle entering or leaving the asphalt plant on Garrisonville Road shall be loaded beyond the legal load limits.

- 9. A spill control and stormwater runoff control system shall be established such that all the asphalt plant site drainage is channeled to an appropriately designed and sized stormwater detention pond. Such pond shall be designed to facilitate the removal of lighter-than-water contaminants, be lined with filter fabric, and be sized for at least a 10-year storm condition. The pond shall be properly maintained and inspected annually by the appropriate County official.
- 10. Screening and fencing shall be provided along the western and southern boundaries of the site. At a minimum, this shall include a 30-foot buffer of natural vegetation along the western and southern boundary lines. Behind the 30-foot buffer area, an earthen berm, at least three (3) feet tall, shall be established. On top of the berm, a chain link fence, at least six (6) feet tall, with barbed wire on top, shall be installed.
- 11. Along the western side of the new access road, that portion not common with the Vulcan Materials quarry access road, a row of evergreens (minimum six (6) foot tall white pines planted on ten (10) foot centers) shall be established wherever there is a break in the adjacent tree line.
- 12. A site plan for the proposed site improvements, including the above conditions, shall be submitted to the Stafford County Department of Planning and Community Development for approval.
- 13. This special use permit shall become invalid should a building permit for the asphalt plant not be issued within two (2) years.
- 14. Should any of the above conditions be violated, the special Conditional #Use pPermit may be revoked by the Board of Supervisors.

<u>Propane and Heating Fuel Distribution Facilities.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O09-13.

The Voting Board tally was:

Yea: (7) Dudenhefer, Woodson, Brito, Crisp, Milde, Schwartz, Sterling

Nay: (0)

Ordinance O09-13 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-35, TABLE OF USES AND STANDARDS, TABLE 3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, under the current ordinance, it is unclear whether or not propane and heating fuel distribution facilities are public facilities/utilities and permitted by-right in most zoning districts; and

WHEREAS, for fire, safety, emergency and evacuation purposes, a propane and heating fuel distribution may have an impact on the location of the establishment and the surrounding neighborhood; and

WHEREAS, the Board desires to require the issuance of a Conditional Use Permit for propane and heating fuel distribution facilities to be located in the M-1 and M-2 zoning districts; and

WHEREAS, the Board has considered the recommendations of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of June, 2009 that Stafford County Code, Section 28-25, Definitions of Specific Terms; and Section 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards of the Zoning Ordinance is hereby amended and reordained as follows, with all other portions remaining the same:

Sec. 28-25. Definitions of specific terms.

<u>Propane and Heating Fuel Distribution Facility.</u> A public facilities/utilities which stores manufactured and natural gas in large containers for distributes the product to the customer. The facility may fill or refill enclosed portable containers of natural or manufactured gas. This term shall not include the sale of enclosed portable containers of natural or manufactured gas at retail establishments.

Public facilities/utilityies. Buildings, structures and facilities including generating facilities, substations, switching stations, poles, lines (including distribution and transmission lines), pipes, pumping stations, water treatment facilities, wastewater treatment facilities (not including on-site sewage disposal systems), repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, broadband communications, water, sewer, and public transit to the public.

Sec. 28-35. Table of uses and standards.

A-1 Agricultural

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution</u> facilities.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

A-2 Rural Residential.

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including, generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit and not including propane and heating fuel distribution facilities.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

R-1 Suburban Residential

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution facilities</u>.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

R-2 Urban Residential – Medium Density

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution facilities</u>.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

R-3 Urban Residential – High Density

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution</u> facilities.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

R-4 Manufactured Homes

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution</u> facilities.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

P-TND Planned-Traditional Neighborhood Development

(b) Conditional use permit:

Public facilities, except for water/sewer pump stations <u>and propane and heating fuel</u> <u>distribution facilities.</u>

B-1 Convenience Commercial

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution</u> facilities.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

B-2 Urban Commercial

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution facilities</u>.

B-3 Office

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution</u> facilities.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

RBC Recreational Business Campus

(a) Uses permitted by right:

Public facilities/utilityies but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit and not including propane and heating fuel distribution facilities.

RC Rural Commercial

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution</u> facilities.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

SC Suburban Commercial

(a) Uses permitted by right:

Public facilities/utilityies but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit and not including propane and heating fuel distribution facilities.

M-1 Industrial Light

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including <u>propane</u> and <u>heating fuel distribution</u> <u>facilities</u>, generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

(b) Conditional use permit:

Public facilityies/utilityies for propane and heating fuel distribution facilities, generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

M-2 Industrial, Heavy

(a) Uses permitted by right:

Public facilities/utilityies but not including propane and heating fuel distribution facilities, generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

(b) Conditional use permit:

Public facility/utility for propane and heating fuel distribution facilities, generating facilities, substations, switching stations and wastewater treatment facilities (except

for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

PD-1 Planned Development 1

(a) Uses permitted by right:

Public facilities/utilit<u>yies</u> but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit <u>and not including propane and heating fuel distribution</u> facilities.

(b) Conditional use permit:

Public facilit<u>yies</u>/utilit<u>yies</u> for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

PD-2 Planned Development 2

(a) Uses permitted by right:

Public facilities/utilityies but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit and not including propane and heating fuel distribution facilities.

<u>Utilities; Grant an Easement to Verizon South Inc.</u> Mr. Harry Critzer, Director of Utilities, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R09-217.

The Voting Board tally was:

Yea: (7) Sterling, Dudenhefer, Woodson, Brito, Crisp, Milde, Schwartz

Nay: (0)

Resolution R09-217 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN EASEMENT AGREEMENT WITH VERIZON SOUTH
INC.

WHEREAS, Verizon South Inc. has requested an easement across County property located at the Garrisonville sewage pumping station on Garrisonville Road for the purpose of relocating telephone lines outside of the proposed Virginia Department of Transportation (VDOT) road widening project; and

WHEREAS, the granting of this easement will have no known negative impact on current or future operations of the Department of Utilities; and

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WHEREAS, the Board has carefully considered the recommendation of the staff

and testimony received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 16th day of June 2009, that the County Administrator be and he

hereby is authorized to execute an easement agreement with Verizon South Inc. for the

relocation of telephone lines on County property at the Garrisonville sewage pumping

station and identified as Parcel 19-42C.

Planning and Zoning; Bond Referendum for Purchase of Development Rights Program.

Mr. Michael Neuhard, Deputy County Administrator, gave a presentation and responded

to Board members questions.

Mr. Tom Coen, PDR Committee Chairman, commented further.

Mr. Dudenhefer motioned, seconded by Mr. Crisp to defer this item until May 2010 for

the election in November 2010; and request the PDR Committee to develop a test

program to report back.

The Voting Board tally was:

Yea:

(6) Sterling, Dudenhefer, Woodson, Brito, Crisp, Schwartz

Nay: (1)

(1) Milde

Legislative; Discuss Parks and Recreation Bond. Mr. Dudenhefer commented.

Discussion ensued.

Hearing no objections from the Board, this item is to be placed on the Regular Agenda

for the next Board meeting at the evening session.

Legislative; Discuss Colors of Fire and Rescue App	paratus. Mr. Milde commented.
Discussion ensued.	
Mr. Milde motioned to request that Chief Brown an	d the appropriate state further review
the options for colors of fire apparatus.	
The motion died for lack of a second to the motion.	
Adjournment. At 8:20 P. M. the Chairman declared the meeting adjourned.	
Anthony J. Romanello, ICMA-CM	George H. Schwartz
County Administrator	Chairman